



# LABOR UNION

CONSTITUTION AND BY-LAWS

NOVEMBER 2022

## **INDEX**

### **Article 1 - Name, Jurisdiction, Purpose and Objective**

- Section 1.1 - Name
- Section 1.2 - Operation
- Section 1.3 - Headquarters
- Section 1.4 - Jurisdiction
- Section 1.5 - Objectives
- Section 1.6 - Charter

### **Article 2 - Membership**

- Section 2.1 - Eligibility for Membership
- Section 2.2 - Duties of Membership
- Section 2.3 - Eligibility to Hold Office

### **Article 3 - The Executive Board**

- Section 3.1 - Executive Officers
- Section 3.2 - Duties of President
- Section 3.3 - Duties of Vice President
- Section 3.4 - Duties of Secretary/Treasurer
- Section 3.5 - Duties of Recording Secretary

### **Article 4 – Permanent Workers’ Committee**

- Section 4.1 - The Workers’ Committee and its Duties
- Section 4.2 - Stewards

### **Article 5 - Nomination of Officers**

- Section 5.1 - Nomination Procedure

### **Article 6 - Elections**

- Section 6.1 - Election Procedure
- Section 6.2 - Challenging Conduct or Results

### **Article 7 - Meetings**

- Section 7.1 - General Membership Meetings

### **Article 8 - Financial Aspects**

- Section 8.1 - Dues
- Section 8.2 - Receipt of Dues
- Section 8.3 - Compensation
- Section 8.4 - Dissolution

### **Article 9 - Charges and Grievances**

- Section 9.1 - Basis for Charges
- Section 9.2 - Freedom of Deliberation and Assembly

**Article 10 - Trials and Appeals**

Section 10.1 - Fair Treatment

Section 10.2 - Filing of Charges

Section 10.3 - Trial Board

Section 10.4 - Trial Procedure

Section 10.5 - Decisions and Penalties

Section 10.6 - Exhaustion of Remedies

**Article 11 - General Provisions**

Section 11.1 - Recordkeeping

Section 11.2 - Election Influence

Section 11.3 - Political Contributions

Section 11.4 - Political Endorsements

Section 11.5 - Loans

Section 11.6 - Liability

**Article 12 - Amendments**

Section 12.1 - Amendment Procedure

**Article 13 – Ratification**

**Article 14 – Savings Clause**

*Leadership Provision Antecedent to Initial Representation Election*

## **Preamble**

*As almost every improvement in the condition of working people was accomplished by the efforts of organized labor, and as the welfare of working people can best be protected and advanced by their united action in one great labor organization, we have organized, this Union, committed to an education and organizing model, The Amazon Labor Union (“ALU”), and adopted the following Constitution and By-Laws.*

## **Article 1 - Name, Jurisdiction, Purpose and Objective**

### **Section 1.1 - Name**

This labor union shall be known as the **AMAZON LABOR UNION**.

### **Section 1.2 - Operation**

This organization shall not operate for profit.

### **Section 1.3 - Headquarters**

The principal office of this Union shall be 900 South Avenue, Suite 100, Staten Island, NY 10314. The executive board may change the location of the principal office. The Executive Board may also establish and maintain other offices at other locations.

### **Section 1.4 - Jurisdiction**

The jurisdiction of this Union shall include, but not be limited to, all workers in every job category, classification of Amazon, its subsidiaries, affiliates, or otherwise any employee whose circumstances have ever been substantially connected to or affected by the working conditions of Amazon in JFK8.

### **Section 1.5 - Objectives**

- (a) This Union is established to improve the wages, benefits, working conditions, terms of employment, job security, and general welfare of its members and other workers and to organize unorganized workers of Amazon.
- (b) To be the mechanism by which our communities reclaim the stability and prosperity that has been extracted by exploitative corporate greed and capitalist business practices.
- (c) To encourage all AMAZON LABOR UNION members without regard to race, creed, color, national origin, sex, gender identity, sexual orientation, hair, caste, immigration

status, criminal record or ancestry to share equally in the full benefits of union organization.

- (d) To form an organization whose pillars are democracy, solidarity, social justice and mutual aid.
- (e) To provide our members the tools and the courage to collectively change their working conditions and exploitative work culture.
- (f) To protect this Union from any and all corrupt influences and from undermining efforts of those who are opposed to the basic principles of our democracy and free and democratic unionism.
- (g) To safeguard the democratic and social justice character of the labor movement.
- (h) To advance the interests of the membership of the Union in the improvement of general economic and social conditions through engaging in legislative, political, education, civil, welfare, and other appropriate activities.

### **Section 1.6 - Charter**

The ALU is established and shall exist pursuant to this Constitution and Bylaws, and the Union shall at all times be subject to the Constitution, Bylaws, rules, regulations, policies, practices, lawful orders and decisions of said Union.

## **Article 2 - Membership**

### **Section 2.1 - Eligibility for Membership**

Eligibility for membership in the Union shall be restricted to all workers in every job category, classification of Amazon at JFK8, its subsidiaries, affiliates, or otherwise and any employee whose circumstances have ever been substantially connected to or affected by the working conditions of Amazon at JFK8. The Executive Board is empowered to expand the membership of the ALU to newly elected units.

Laid off, furloughed workers and any workers out of work through no fault of their own whether for workers compensation, medical leave or a leave of absence maintain their eligibility of membership and will see their dues obligations waived for the duration of their time out of work.

### **Section 2.2 - Duties of Membership**

- (a) Members must abide by the Union Constitution, bylaws and the laws, rules, regulations, policies, lawful orders and decisions of the Union including the payment of dues where applicable.
- (b) Members shall refrain from conduct that would interfere with the performance of the Union's lawful and contractual obligations.

- (c) Members shall comply with and honor the provisions of contracts entered into between the Union and the Employer.
- (d) No member shall engage in discrimination against a member or any other person having business with the union based on race, hair, criminal record, immigration status, color, religion or creed, national origin, age, disability, marital status, sex (including sexual harassment), sexual preference or orientation, gender identification, caste, criminal record or citizenship status.
- (e) No member shall attempt or threaten to cause secession by this Union or decertification; join an organization or Union antagonistic to the ideals of the Amazon Labor Union; circulate false reports or gross and willful misrepresentations about the integrity of the Amazon Labor Union; advocate or commit or incite an act or series of acts which would injure the best interests of the Union.

### **Section 2.3 - Eligibility to Hold Office**

- (a) A candidate for office must be a member in good standing.
- (b) A candidate for office must have at least one year of aggregate experience in a role or job function at a workplace at Amazon.com Services in JFK8 or in any jurisdiction so designated by the Executive Board.
- (c) To be eligible for office, a member shall be required to attend at least twenty-five (25) Worker Committee meetings preceding the one year prior to the nomination meeting.

## **Article 3 - The Executive Board**

### **3.1 - Executive Officers**

- (a) The Executive Offices of this Union shall consist of an Office of the President, Vice President, Secretary/Treasurer, and Recording Secretary.
- (b) The officers of this Union, along with two (2) elected members at large from Pick Count Floor Health (PCF), Pack (Singles, Smart Pack and AFE), Stow and one (1) elected member at large from both Inbound Ship Dock and Outbound Ship Dock at JFK8, shall constitute an Executive Board, provided that at least one (1) elected member from each Department is in the title of Associate. No two (2) elected members at large on the Executive Board from any single Department can be in the title of Process Assistant.
- (c) All elected officers shall serve for a term of three (3) years.
- (d) All vacancies of elective officers including but not limited to, resignation, removal, expulsion, suspension or for any other reason shall be filled by appointment by the President subject to the eligibility requirements of Article 2 and such appointed officers shall serve in the office for the balance of the unexpired term.

- (e) In order for the Executive Board to pass any resolution or begin an official meeting there must be quorum. (Currently quorum is met with the attendance of 3 out of 4 Executive Officers and will be changed as the Executive Board expands)

### **Section 3.2 - Duties of President**

The President shall function as the chief executive officer of the Union and shall employ and direct all Union staff except as otherwise provided for in this Constitution. The President shall establish the salary, expenses, allowances, and/or other remuneration of such employees and shall submit a report to the Executive Board detailing the compensation of each employee. The Executive Board shall ratify the compensation structure with such revisions as it sees fit.

The President of the Union shall:

- (a) Preside at all regular and special meetings of the Union and its Executive Board.
- (b) Preserve order and enforce the Constitution and By-Laws of the Union.
- (c) Be a member of all committees and shall have the right to vote at the meetings at which they preside.
- (d) Have the authority to appoint special committees and direct union resources therewith, subject to approval by the Executive Board.
- (e) Sign checks jointly with the Treasurer.
- (f) Be at all times responsible to the Executive Board for the operations of the Union.
- (g) Establish the day-to-day function of the union by establishing policies and procedures to that end.

The laws of this Union, as contained in these By-Laws, shall be interpreted by the President consistently with the language and intent of the Constitution. Their decisions thereon shall be binding upon all individual members subject to appeal to the Union's Executive Board within seven (7) days of a determination or decision by the President.

Any appeal of decisions by the president must be submitted in writing to the Executive Board who after investigations into whether the President decided consistently with the language and intent of the Constitution shall act to certify the President's decision or act to rescind the President's decision if not consistent with the language and intent of this document.

### **Section 3.3 - Duties of Vice President**

The Vice-President shall assist the President, and in their absence or when called upon, shall preside in the President's place at any meetings. The Vice-President succeeds to the office of

President if it becomes vacant.

The Vice-President shall assist the President in all Union activities relating to organizing the unorganized, training and directing staff organizers, and mobilization of union membership towards service to engagement of rank-and-file membership, communication and interaction with organized workers, and the development of a culture of solidarity. The Vice-President supervises all the activities of any Director of Organizing.

### **Section 3.4 - Duties of Secretary/Treasurer**

The Treasurer shall oversee and preserve all monies, properties, securities, and other evidence of investment, books, documents, files and effects of the Union which shall at all times be subject to the inspection of the President and Executive Board and consistent with applicable law. The Treasurer shall deposit the funds of the Union in banks and institutions insured by a United States Government Agency in the name of this Union. The Treasurer may invest and expend the funds of the Union only with the approval and pursuant to the direction or resolution of the Executive Board. The Treasurer must develop an annual budget in consultation with the Executive Board that is reviewed once a quarter.

The Treasurer shall be required to provide for an audit of all books, accounts, records, and financial transactions of the Union on an annual basis by an accredited and independent auditing firm. The Treasurer must provide a report of all funds disbursed and received to the Executive Board monthly for approval.

### **Section 3.5 - Duties of Recording Secretary**

The Recording Secretary will be responsible for all recordkeeping and required filings of the Union.

The Recording Secretary shall be responsible for the keeping of minutes and attendance from any Union meeting of the rank-and-file membership, including but not limited to, Workers' Committee meetings (unless a Recording Secretary for the Workers' Committee is elected), or Executive Board meetings. All minutes of any meeting that the Recording Secretary is not in attendance at must be forwarded to her attention forthwith. No meeting of the Union can be calendared or noticed to the membership without due notice to the Recording Secretary.

The Recording Secretary will be responsible for receiving and processing all complaints received by the Union's membership.

They will also supervise all Directors of the Union, including but not limited to the Communications Director, all paid Staff of the Union and volunteers.

## **Article 4 - Permanent Workers' Committee**

### **4.1 - The Workers' Committee and its Duties**



The permanent Workers' Committee shall be made up of rank-and-file members working in the Pick Count Floor Health (PCF), Pack (Singles, Smart Pack and AFE), Stow, Inbound Ship Dock and Outbound Ship Dock at JFK8.

Duties of the permanent Workers' Committee shall include:

- (a) Servicing Pick Count Floor Health (PCF), Pack (Singles, Smart Pack and AFE), Stow and Inbound Ship Dock and Outbound Ship Dock at JFK8 by bringing to the Union's attention matters of concern for the rank and file. All meeting minutes must be forwarded to the Recording Secretary of the ALU.
- (b) Each Department will elect their own Vice President and Recording Secretary.
- (c) Attend trainings and meetings at the Union hall.

#### **Section 4.2 - Stewards**

Stewards are made up of ALU members in good standing that have been duly appointed by the Executive Board. Any Steward may be removed by the Executive board for cause. Before becoming appointed as a Steward, the ALU member will have successfully completed a Shop Steward Class. All Stewards must either voluntarily pay dues or have dues deducted by payroll deduction.

Duties of Stewards shall include:

- (a) Being called upon by members at large to represent them in investigative interviews by management. Stewards are empowered to investigate and present grievances in accordance with the provisions of their collective bargaining agreements.
- (b) Understanding management's rules and regulations and this Constitution and Bylaws
- (c) Act as the point person between the rank and file and the Union staff on all requests for accommodations and workers compensation.
- (d) Any Steward may be removed by a majority vote of the Executive Board

Stewards shall not be considered officers of the Union but are representatives of the Union. Under no circumstances shall a Steward be permitted to receive or collect any moneys for or on behalf of the Union.

The Stewards shall be empowered to transmit messages and information which shall originate with, and are authorized by the President of the Union, provided such messages and information, (i) have been reduced to writing, or (ii) if not reduced to writing, are of routine nature and do not involve work stoppages, slow downs, refusal to handle goods, or any other interference with the employer's business.

## **Article 5 - Nomination of Officers**

### **5.1 - Nomination Procedure**

- (a) Nominations for all the elected offices of the Union shall be held at a general membership meeting during the month of April every three (3) years. Except that the first election will occur ninety (90) days after the JFK8 Collective Bargaining Agreement has been ratified by the membership.
- (b) Not less than thirty (30) days prior to the membership meeting at which nominations will be made, notice thereof shall be posted in every work location, if applicable, and be communicated via normal digital channels. Such notice shall list the offices and positions to be filled and the time and place of such meeting. The notice may also contain the date, time and place at which elections will be held if there are any contests. The notice shall also state that, if there are no contests, a formal election will not be necessary, and announcements of the officers elected by acclamation will be posted on bulletin boards on the premises of employers where union members are employed as well as by normal digital channels.
- (c) At the nomination meeting, an Elections Committee shall be elected by those present. The Elections Committee shall appoint a Chairperson. No member of the Election Committee shall be candidate for office. All members of the Committee shall possess all of the qualifications required of a candidate for office.
- (d) A member in good standing who meets the requirements of eligibility hereinbefore provided, may be nominated for office in the Union.
- (e) Nominations must be put forth by a member in good standing and seconded by another member in good standing.
- (f) The member must be present to accept their nomination.
- (g) No member shall be eligible to be a candidate for office if the member is not nominated for said office.
- (h) Before nominations are closed, the Elections Committee shall determine if any candidate is not eligible for office as hereinbefore provided.
- (i) The Elections Committee prepare the official ballot, if there is a contest and an election is necessary. In the preparation of the official ballot, the Elections Committee shall then prepare the ballot subject to the rules as described by the Office of Labor Management Standards, with the names of the candidates listed in alphabetical order.
- (j) In the event there is no contest for any office and the uncontested candidate for such office is found to be properly qualified, the Elections Committee shall certify that there is no need

for a secret ballot election with regard to said office and the nominee shall be declared duly elected.

- (k) Any member who is notified in writing that they are ineligible to be a candidate for office by the Elections Committee, may, within seven (7) days after receipt of the notice, appeal the ruling to the Executive Board who shall decide such appeal within fourteen (14) days after receipt thereof, the decision of the Executive Board shall be final.

## **Article 6 - Elections**

### **Section 6.1 - Election Procedure**

The election of officers shall take place at a meeting of the organization following the month when nominations were made, but at least thirty (30) days following the date of the nomination meeting.

Elections shall be by secret ballot among the members in good standing who are entitled to vote and the balloting shall be held at such places and at such times as may be determined by the Executive Board. No absentee ballots shall be permitted.

Members will not be permitted to write in the names of persons who were not nominated.

- (a) Adequate safeguards to ensure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots. Observers must be members of this Union.
- (b) The votes cast for each candidate shall be counted separately and published separately to the membership. Publication may be in writing or orally, at or prior to, the regular membership meeting following the date of election. The ballots and other records pertaining to the election shall be preserved for at least one year.
- (c) In the event that there is no contest for any office, then the Recording Secretary shall declare that such nominee has been duly elected to office and no election shall be required as to that office.

### **Section 6.2 - Challenging Conduct of Results**

Any member who was entitled to vote may challenge the conduct or result of an election by writing a letter within seven (7) days of the election to the incumbent Recording Secretary to such effect. Such letter must contain at least the following: (i) A statement to the effect that they was eligible to vote in the election; (ii) A statement showing whether they did or did not vote in the election; (iii) A statement indicating whether their challenge is directed to the conduct of the election or the results, or both; (iv) A statement showing whether their challenge is directed to all persons elected or to less than all; (v) If less than all, a specification of the ones subject to their challenge; (vi) a full statement of all facts upon which they rely in support of their challenge; (vii) A full statement of how the facts upon which they rely may have affected the outcome of the election; and (viii) A full statement of the relief which they seeks.

Upon receipt of the letter referred to above, the incumbent Secretary shall promptly send a copy thereof to the Chairperson of the Elections Committee and request that the Chairperson, investigate the facts, hear the statements and contentions of all interested members, and render a decision in the matter. Any decision so rendered shall be final and binding upon this Union and all of its members.

## **Article 7 - Meetings**

### **Section 7.1 - General Membership Meetings**

General membership meetings shall be held at least two (2) times per year at a time and place determined by the President, but in no event less often than every six (6) months.

Special meetings of the members may be called by the President or shall be called by the President after receiving written request of the majority of the Executive Board, or upon written petition signed by ten (10) percent of the entire membership. The written petition for a special meeting shall state the purpose for such meeting. All members shall be notified of a special membership meeting by notice posted on regular places for Union notices on the premises where the Union members are employed and by normal digital means, at least five (5) days before the meeting. The notice shall state the date, time, place and purpose for the special meeting. No business shall be transacted at a special meeting other than that which is stated in the call of the meeting.

## **Article 8 - Financial Aspects**

### **Section 8.1 - Dues**

- (a) Dues payment for any eligible worker suffering without a Collective Bargaining Agreement will be voluntary and at the rate of \$5 per week.
- (b) All dues rates for eligible workers working under a Collectively Bargained Agreement will be democratically decided upon by a Committee consisting of 1 (one) representative from Pick Count Floor Health (PCF), Pack (Singles, Smart Pack and AFE), Stow, Inbound Ship Dock and Outbound Ship Dock at JFK8 designated by the Executive Board to discuss appropriate dues rates and report back to the Executive Board within 5 (five) days of the Collective Bargaining Agreement ratification with the recommended dues rate to be put into effect.

### **Section 8.2 - Receipt of Dues**

The Secretary Treasurer shall be the chief financial officer of the Union and shall receive and collect all dues monies owed to the Union, all monies collected in the form of dues shall be immediately deposited into the Union's bank account.

### **Section 8.3 - Compensation**

Whenever a member of this organization loses time from work when engaged in activities on behalf of the Union, and suffers a loss of income as a result thereof, the member may be compensated for their loss and expenses, provided, however, the member must have been duly authorized to so serve and act in writing and informed in writing that they would be reimbursed in an amount which the Executive Board shall, in its sole discretion, agree upon. Provided, further, neither compensation nor expenses shall be paid for attending membership meetings.

#### **Section 8.4 - Dissolution**

Upon dissolution of the Union, the Treasurer shall arrange for the timely payment of any and all outstanding bills and debt obligations due and owing by the Union. Should any funds remain in the treasury after the satisfaction of all outstanding bills and debt obligations, all such remaining assets shall be equitably distributed directly back to the membership.

### **Article 9 - Charges and Grievances**

#### **Section 9.1 - Basis for Charges**

The basis for charges against officers and members of this organization for which they shall be required to stand trial as hereinafter provided shall consist of one or more of the following:

- (a) Gross disloyalty to the ALU.
- (b) Gross negligence, inefficiency, nonfeasance, misfeasance, or malfeasance, which shall or threaten to hinder or impair the interests of the Union.
- (c) Misappropriation of union funds or property.
- (d) Physical Abuse or threat of against a member.

#### **Section 9.2 - Freedom of Deliberation and Assembly**

It is not intended that members be precluded from participating in any deliberations in an orderly manner, nor to meet and assemble freely with other members and to express any views, arguments, or opinions; provided that such activities do not violate the responsibility of a member to the Union and the member's conduct does not interfere with the performance by the union of its legal and contractual obligations.

### **Article 10 - Trials and Appeals**

#### **Section 10.1 - Fair Treatment**

Every member of this Union shall be entitled to fair, equal and impartial treatment in the application of its rules and laws and in the interpretation and application of its rules relating to offenses, trials and appeals. The fundamental principles of due process, notice, hearing and judgment shall be observed, without, however, requiring any technical formality such as is

followed in courts of law and administrative bodies.

The provisions of this Article being guides for justice and fair play, to be administered by rank-and-file members who are not trained in the law, deviations from these procedures which do not substantially affect substantive rights of the members shall not suffice to invalidate any of the charges, trials or appeals.

### **Section 10.2 - Filing of Charges**

When an officer or member in good standing prefers written charges against any other officer or member of the Union, the charges shall be in duplicate and be filed with the Recording Secretary of the Union. The charges shall be signed by the person preferring the charges and shall specify the provisions of the constitution to be relied upon or the agreement or rules alleged to have been violated or must otherwise set forth the specific violations or wrongs charged and the approximate date on which it is alleged to have occurred.

The Recording Secretary shall promptly notify the members of the Executive Board that charges have been filed and, after consultation with them, shall promptly set a date for a hearing and trial on said charges. Immediately thereafter, a copy of the charges shall be e-mailed to the accused, at their last known address. A written notice of the time and place where the hearing and trial will take place before the Trial Board, shall be e-mailed to the accused and to the charging party, not less than seven (7) days nor more than twenty (20) days before the date of said hearing and trial.

### **Section 10.3 - Trial Board**

The members of the Executive Board of the Union shall constitute the Trial Board; except that neither the charging party nor the accused nor any member directly interested or involved in the charges may sit as a member of the Trial Board.

- (a) In such cases, the President of the Union shall appoint a substitute or substitutes from the members in good standing. If the President is to be disqualified, then the Vice-President shall appoint a substitute or substitutes and if they are also to be disqualified, then the substitute shall be appointed by the remaining trial Board members.
- (b) Where the charging party or the accused makes a request for a delay, the Trial Board may grant a postponement, for good cause shown.

### **Section 10.4 - Trial Procedure**

The hearing and trial shall be conducted in an orderly, fair and impartial manner and should assure the full presentation of all the facts to the Trial Board.

- (a) The burden of proof shall be on the charging party. If the charging party fails to appear, the charges shall be dismissed. If the accused fails to appear, the Trial Board shall proceed with the hearing and receive all the facts and evidence available.

- (b) The charging party shall first present whatever evidence they possess to substantiate their charges. The accused shall have the right to be present and may be represented by any member in good standing throughout the trial and to cross-examine the charging party and any of their witnesses upon completion of their testimony. All evidence collected shall be shared with the accused.
- (c) After the evidence in support of the charges has been received, the accused shall present their defense. The charging party shall have the right to cross-examine the accused and any of their witnesses upon completion of their testimony.
- (d) The Trial Board shall audio record minutes of any trials and/or proceedings and this audio recording, together with any documents submitted, shall constitute the official record of the Trial Board.

Upon conclusion of the hearings, the Trial Board shall consider all of the evidence and arguments submitted and proceed to make its findings and decision by majority vote. It shall prepare a report of said findings and decision, which shall be signed by all members of the Trial Board. The Recording Secretary shall forthwith email a copy of said report to the charging party and the accused at their last known addresses.

#### **Section 10.5 - Decisions and Penalties**

The decisions and penalties imposed upon any member or officer found guilty of any of the charges as to which they have been tried, may consist of a reprimand, restitution, suspension, removal from office, or expulsion from membership, or order to do or perform or refrain from doing or performing specific acts, or any combination thereof.

#### **Section 10.6 - Exhaustion of Remedies**

No member shall bring or cause to be brought in any court, whether in law or equity, any action against the Union or their officers, representatives or employees, in any matter involving an issue arising out of or related to their membership, which is remediable within the framework of the Union Constitution without having first exhausted all of the remedies available under the aforesaid Constitution.

### **Article 11 - General Provisions**

#### **Section 11.1 - Recordkeeping**

The Recording Secretary shall keep all union records other than election records for a period of not less than five (5) years.

#### **Section 11.2 - Election Influence**

No monies of the organization shall be used by the Union for the purpose of influencing or assisting the election in the Union of any union officer.

### **Section 11.3 - Political Contributions**

No monies of the organization shall be used by the Union to further any political figure, including campaign contributions or donations to political parties, organizations, or funds.

### **Section 11.4 - Political Endorsements**

No political endorsements of candidates or political parties may be made in the name of the Union as a whole. Individual officers or members may privately endorse political candidates at their own discretion.

### **Section 11.5 - Loans**

No loans shall be made from the Union treasury to any business enterprise.

### **Section 11.6 - Liability**

The opinion of any attorney, accountant, or other professional consultant or expert hired pursuant to this Constitution shall have full and complete authority and protection with respect to any action taken, suffered or omitted by the Executive Board or any member thereof in good faith and in accordance with such opinion. Except for actions taken in bad faith, or constituting willful misconduct, the Executive Board, shall not be liable to any person or organization, for any action or omission by the Executive Board or any member in effectuation of the purposes and objects of this Constitution, and the interests of the members of this organization.

## **Article 12 - Amendments**

### **Section 12.1 - Amendment Procedure**

The within Constitution and By-Laws may be amended by the following procedure, after the first representation election:

- (a) Any proposed amendment must be in writing and signed by any one hundred (100) members in good standing and be submitted to the Recording Secretary no later than sixty (60) days prior to the general or special meeting at which the proposed amendment will be acted upon after the first representation election.
- (b) The Recording Secretary shall forthwith refer the proposed amendments to the members of the Executive Board of the Union.
- (c) The Executive Board shall discuss the proposed amendments at its next special or regular Board meeting.
- (d) The Executive Board shall take a vote on the proposed amendment and determine whether or not a majority are in favor thereof.



- (e) The Executive Board shall notify the Recording Secretary of its vote either in favor of or against the proposed amendment and may accompany the result of their vote with a memorandum in support of the vote of acceptance or rejection.

The Recording Secretary shall provide notices to be posted on all bulletin boards and places for union notices on the premises where union members are employed, notifying members of the proposed amendments, the vote of acceptance or rejection by the Executive Board and copies of the Executive Board's memorandum in support of its vote, together with notice of time and place of the general or special meeting at which the proposed amendments will be acted upon by the members in general or sectional meetings.

If the Executive Board votes in favor of adoption of the proposed amendments as provided for in (d) above, it shall require only a majority of the total vote cast by the members for the adoption of said proposed amendment. If the Executive Board votes against adoption of the proposed amendment, it shall require two-thirds (2/3) of the total votes cast by the members for adoption of the proposed amendment.

### **Article 13 - Ratification**

No collective bargaining agreement may go into effect and be binding on the ALU and its effected members absent a ratification vote at the workplace by a showing of support by a majority of the voting members effected by the Agreement.

### **Article 14 - Savings Clause**

If any provision of the within Constitution and By-Laws is held to be invalid by operation of law or by any competent authority or tribunal, the remainder of the Constitution or the application of such provision to persons or circumstances other than those as to which it has been held illegal or invalid shall not be affected thereby.

If any provisions of this Constitution shall be found or declared to be illegal, invalid or inoperative, by any competent authority of the legislative, executive, judicial or administrative branch of a Federal, State or provincial government, the Executive Board is empowered to substitute during the period of its invalidity a provision which will meet the objections to its invalidity and which will be consistent with the intent and purpose of the invalid provision.

### **Leadership Provision Antecedent to Initial Representation Election**

Interim provisional leadership positions shall be voted on after nomination of candidates, and any member elected to these positions shall hold office until three months after the first Collective Bargaining Agreement is ratified or until they resign from office and a new provisional officer is appointed.

Pursuant to a founding convention, the Provisional Executive Board was instituted.

Provisional Executive Board nomination was for six (6) people who are the President, Vice President of Organizing, Vice President of Membership, Treasurer, Secretary and 2 Executive Board Members who are Chairperson for JFK 8 and Chairperson for LDJ 5.

A Provisional election was conducted at the founding convention.

Upon the resignation of any provisional Executive Board member, a new provisional Executive Board member shall be appointed by the remaining provisional Executive Board members. The provisional Executive Board may by a vote of the majority remove any provisional Executive Board member. The provisional Executive Board is also empowered to change the composition of the provisional Executive Board and its duties by a vote of the majority present.

The current provisional Executive Board includes Officers in the title of President, Vice President, Secretary Treasurer and Recording Secretary.